

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In the Matter of:

JOSE MANUEL CASTRO GONZALEZ

Debtor

Case No. 20-00723 (BKT)

Chapter 13

**MOTION TO REQUEST PERFECTION OF CLAIM NUMBER 10 FILED AFTER
CLAIM BAR DATE**

TO THE HONORABLE COURT:

NOW COMES, creditor EMPRESAS BERRIOS INC., represented by the undersigned attorneys whom respectfully alleges, states and prays:

1. On January 17th 2020, the above-name debtor filed a Bankruptcy petition under Chapter 13 of Title 11 of the United States Code.
2. Deadline for filing of claims by creditors was stated for April 24th 2020.
3. Empresas Berrios Inc., (hereinafter “Berrios”) is a secured creditor of the above-named debtor pursuant 11 U.S.C. §101(10) and therefore, a party of interest in the instant proceeding.
4. On May 6th 2020, appearing creditor filed Claim No. 10 in the amount of \$76.02, the above-mentioned claim was filed after claim bar date.
5. Pursuant to Federal Bankruptcy Rule 9006(b)(1), the court may permit a creditor to file a late proof of claim if the failure to file was the result of “excusable neglect.” As we know, on March 12th 2020 the Government of Puerto Rico declared a state of emergency due to

the oncoming threat of Coronavirus (COVID-19) (Executive Order 2020-020). Following said emergency declaration, on March 15th 2020 Administrative Bulletin No. OE 2020-023 was issued by the Puerto Rico Government. Administrative Bulletin No. OE 2020-023 set forth lock down measures that to date remain in place at the state, corporate and private citizen sector.

6. On Sunday April 12th 2020 the government of Puerto Rico eased some of the measures imposed on financial institutions so long as they complied with the revised hours now approved. (Executive Order 2020-033)

7. This Court issued a General Order on March 16th 2020 extending all periods set by statutes of limitations applicable to causes of action, cases and proceedings filed or to be filed until April 13th 2020. General Order 20-03.

8. Berríos as a holding corporation has many affiliates some of them dedicated to the financing of electro domestics and furniture under watch and jurisdiction of the Commissioner of Financial Institutions.

9. In compliance with all Government mandated and CDC safety measures and with utmost regard for its employee's safety and well-being, Berríos restarted credit and collections operations on May 1st 2020. Berríos developed a strict progressive and preventative program allowing some employees to work from home with all required firewalls.

10. Acknowledging that very few governments around the world, including the Government of the Commonwealth of Puerto Rico, were ill prepared to handle all of COVID-19's medical, professional and personal interruptions, many of which continue to date and given the logistical limitations and implications of work commenced prior to lockdown and the need to update said progression, decisions and actions, Berríos requests from this Honorable Court,

Claim No. 10 be accepted as a secured claim filed after bar date pursuant to Rule 9006(1), supra as a justified and reasonable excuse.

WHEREFORE it is respectfully requested to this Honorable Court permit Berríos be included as a secured creditor sustained within Claim No. 10.

NOTICE IS HEREBY GIVEN THAT WITHIN FOURTEEN (14) DAYS AFTER SERVICE AS EVIDENCED BY THE CERTIFICATION, AND AN ADDITIONAL THREE (3) DAYS PURSUANT TO FED. R. BANK. P 9006(f) IF YOU ARE SERVED BY MAIL, ANY PARTY WHOM THIS PAPER HAS BEEN SERVED, OR ANY OTHER PARTY TO THE ACTION WHOM OBJECTS TO THE RELIEF SOUGHT HEREIN, SHALL SERVE AND FILE AN OBJECTION OR OTHER APPROPRIATE RESPONSE TO THIS PAPER WITH THE CLERK'S OFFICE OF THE U.S. BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO. IF NO OBJECTION OR OTHER RESPONSE IS FILED WITHIN THE ALLOWED HEREIN, THE OBJECTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED UNLESS: (i) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (ii) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; (iii) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on this date a copy of this motion has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to debtor attorney Mr. Roberto Figueroa Carrasquillo, Esq., and to Mr. Alejandro Oliveras Rivera Esq., US Chapter 13 Trustee, and I hereby certify that I have mailed via the United States Postal Service a copy of this motion to non CM/ECF participant at their address of record, in this case: Mr. José Manuel Castro HC 03 Box 4575 Gurabo, Puerto Rico 00969.

In San Juan, Puerto Rico this June 27th 2020.

RICKENBACH OJEDA ATTORNEYS AT LAW PSC

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